

### REMARKS

Applicant has reviewed the Office Action mailed on August 28, 2003, as well as the art cited. Claims 1-31 are pending in this application.

#### Rejections Under 35 U.S.C. § 102

Claims 1-20 were rejected under 35 USC § 102(e) as being anticipated by Naegeli (U.S. Patent No. 6,574,797). Claim 1 recites a hybrid fiber-coax (HFC) network comprising, *inter alia*, a cable modem located within a fiber node. As described in the paragraph beginning at page 3, line 11 of the specification, locating a cable modem in a fiber node of a HFC network provides a number of distinct advantages.

The Examiner states that Naegeli discloses a HFC network with a cable modem "attached to the HFC network." (*See* Office Action at 2.) Although Naegeli discusses an HFC cable system having a fiber node 108 and a cable modem 120, (*see* Figs. 1-2), it does not disclose an HFC network having a cable modem *located within a fiber node*, as recited in Claim 1.

Therefore, Naegeli does not anticipate Claim 1, and Applicant respectfully requests the Examiner to withdraw the rejection of this claim under 35 U.S.C. § 102(e). In addition, for at least the same reasons stated above with respect to Claim 1, Naegeli does not anticipate Claims 2-20. Accordingly, Applicant also respectfully requests allowance of Claims 2-20.

#### Rejections Under 35 U.S.C. § 103

Claims 21-31 were rejected under 35 USC § 103(a) as being unpatentable over Naegeli. For at least the same reasons stated above with respect to Claim 1, Naegeli does not disclose, teach or suggest the inventions recited in Claims 21-31. Accordingly, Claims 21-31 are patentably distinguished from Naegeli, and Applicant respectfully requests allowance of these claims.

RESPONSE

PAGE 12

Serial No.: 09/775,224

Filing Date: February 1, 2001

Attorney Docket No. 100.166US01

Title: MONITOR, CONTROL AND CONFIGURATION OF FIBER NODE VIA CABLE MODEM

---

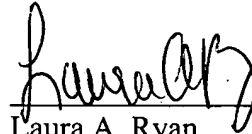
CONCLUSION

Applicant respectfully submits that claims 1-31 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 332-4720.

Date: 22 December 2003

Respectfully submitted,



Laura A. Ryan  
Reg. No. 49,055

Attorneys for Applicant  
Fogg and Associates, LLC  
P.O. Box 581339  
Minneapolis, MN 55458-1339  
T – (612) 332-4720  
F – (612) 332-4731